

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR NO. 2:07cr15-SRW
)	WO
CHARLES H. HINES)	

ORDER ON MOTION

This cause is currently pending before the court on a Motion to Continue filed by the defendant, Charles H. Hines, on May 16, 2007. The motion seeks a continuance of the trial currently set for May 22, 2007.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Warren, 772 F.2d 827, 838 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). See United States v. Vasser, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The court concludes upon the pleadings and its knowledge of this case that the ends of justice will be served by continuing this case for consideration of pretrial diversion.

Accordingly, it is hereby ORDERED that the Motion to Continue filed by defendant Charles H. Hines, be GRANTED. This case is reset on the trial term commencing August 2, 2007.

It is further ORDERED that the pretrial telephone conference call previously scheduled for May 21, 2007 is re-scheduled for 4:00 p.m. on July 31, 2007. Counsel for the government is DIRECTED to set up the conference call.

Done, this 17th day of May, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE